

1 District Judge James L. Robart  
2  
3  
4  
5  
6  
7  
8

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 CARMEN TAGEANT,

10 Plaintiff,

Case No. 19-cv-1082-JLR

11 v.  
12 MICHAEL ASHBY,

13 Defendant.

14 STIPULATION AND ~~PROPOSED~~ ORDER  
15 TO HOLD INITIAL DISCOVERY  
DEADLINES IN ABEYANCE.

Noted on Motion Calendar:  
08/29/2019

16 **JOINT STIPULATION**

17 Plaintiff CARMEN TAGEANT, filed the above-captioned lawsuit in Whatcom County  
18 Superior Court claiming assault, battery, and infliction of emotional distress against Defendant  
19 MICHAEL ASHBY. Compl., Dkt. 1. The UNITED STATES removed the case to this Court  
20 pursuant to 28 U.S.C. § 2679(d)(3) after Defendant Ashby filed a motion in the state court  
21 seeking certification that he was acting as a federal employee acting in the scope of his  
22 employment at the time of the underlying incident for the purposes of the Federal Tort Claims  
23 Act. Removal Not., Dkt. 1.

24 Defendant Ashby filed the motion for certification of employment in this Court on July  
25 17, 2019. Dkt. 6. The Court scheduled a hearing on the motion for September 5, 2019.  
26 Depending on the outcome of the motion, the United States or Defendant Ashby will be the

27 STIPULATION AND PROPOSED ORDER TO  
28 HOLD INITIAL DISCOVERY DEADLINES IN  
ABEYANCE Case No. 19-cv-887-RSL  
PAGE- 1

UNITED STATES ATTORNEY  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
206-553-7970

1 named defendant to this action. On August 16, 2019, the Court issued an order with deadlines  
2 regarding initial disclosures, joint status report, and early settlement. Order, Dkt. 17. Because  
3 the motion for certification of employment is still pending, and for good cause, the parties, by  
4 and through their counsel of record, hereby STIPULATE AND AGREE, and respectfully request  
5 that the Court hold the initial discovery deadlines in abeyance until Defendant's motion for  
6 certification of employment is decided by the Court.

7 Dated this 29th day of August, 2019.

8 Respectfully,

9 BRIAN T. MORAN  
10 United States Attorney

11 /s/ Michelle R. Lambert  
12 MICHELLE R. LAMBERT, NYS #4666657  
13 Assistant United States Attorney  
14 Western District of Washington  
15 United States Attorney's Office  
16 1201 Pacific Avenue, Suite 700  
17 Tacoma, Washington 98406  
18 Phone: 253-428-3824  
19 Email: [michelle.lambert@usdoj.gov](mailto:michelle.lambert@usdoj.gov)  
20 *Attorneys for United States*

21 FLOYD, PFLUEGER & RINGER, P.S.

22 /s/ Thomas B. Nedderman  
23 Thomas B. Nedderman, WSBA No. 28955  
24 FLOYD, PFLUEGER & RINGER P.S.  
25 200 W. Thomas Street, Suite 500  
26 Seattle, WA 98119  
27 Phone: (206) 441-4455  
28 Email: [Tnedderman@floyd-ringer.com](mailto:Tnedderman@floyd-ringer.com)  
29 *Attorney for Defendant Ashby*

1 GALANDA BROADMAN, PLLC  
2

3 */s/ Gabriel S. Galanda*  
4 Gabriel S. Galanda, WSBA #30331  
5

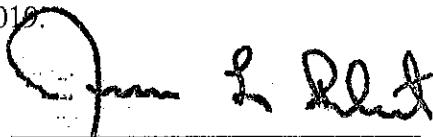
6 */s/ Bree R. Black Horse*  
7 Bree R. Black Horse, WSBA #47803  
8 P.O. Box 15146  
9 Seattle, WA 98115  
10 (206) 557-7509  
11 Email: [gabe@galandabroadman.com](mailto:gabe@galandabroadman.com)  
12 Email: [bree@galandabroadman.com](mailto:bree@galandabroadman.com)

13 *Attorneys for Plaintiff*

14 **[PROPOSED] ORDER**

15 The parties having so stipulated and agreed, it is hereby **SO ORDERED**. The Clerk is  
16 directed to send copies of the Order to all counsel of record.  
17

18 DATED this 29<sup>th</sup> day of August, 2019.



19 JAMES L. ROBART  
20 United States District Judge  
21  
22  
23  
24  
25  
26  
27  
28

STIPULATION AND PROPOSED ORDER TO  
HOLD INITIAL DISCOVERY DEADLINES IN  
ABEYANCE Case No. 19-cv-887-RSL  
PAGE- 3

UNITED STATES ATTORNEY  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
206-553-7970